

Docket: 006783.P042



Patent

**AMENDMENT UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2672**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Peter Bernard

Application No: 09/439,482

Filing Date: November 12, 1999

For: High Fidelity Color Images

Examiner: Daniel J. Chung

Art Unit: 2672

Confirm. No. 1692

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**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action mailed on July 20, 2004, please enter the following amendments and consider the following remarks.

**FIRST CLASS CERTIFICATE OF MAILING**

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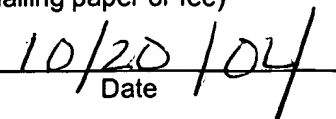
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**PETITION FOR WITHDRAWAL OF FINALITY OF THE OFFICE ACTION under CFR**  
**1.181**

Sir:

In response to the Examiner's Final Office Action of July 20, 2004, for the above referenced case, applicants request the withdrawal of the finality of the Office Action for the reasons articulated below.

**FIRST CLASS CERTIFICATE OF MAILING**

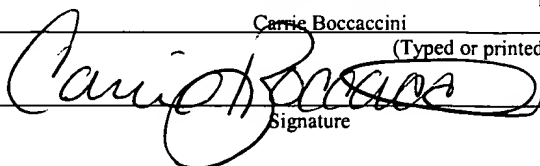
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10/20/04

Serial. No.: 09/439,482

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In the Final Office Action of July 20, 2004, the Examiner introduced a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an IDS filed during period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Therefore, the final rejection is premature. (MPEP 706.07(a).) Accordingly, the applicants respectfully request that the Examiner withdraw the finality of the Office Action.

If there are any additional charges, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10-20-04, 2004



Elena B. Dreszer  
Reg. No. 55,128

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 947-8200